

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.211 of 2023**

Arising Out of PS. Case No.-120 Year-2021 Thana- KHARIK District- Bhagalpur

1. Bittu Yadav @ Bittu Kumar
2. Rahul Yadav @ Rahul Kumar
Both Sons Of Dinesh Yadav, R/O Village- Usmanpur Mirjafari, P.S.- Kharik,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 19-04-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 11.08.2022 in connection with Kharik P.S. Case No.120 of 2021, F.I.R. dated 11.06.2021 registered for the offence punishable under Section 341,307,324,326,109,120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

Allegation against the petitioners is that they have fired bullet on the informant due to which he sustained injury on his left thumb of left hand.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present



case. Further submits that it appears from the FIR that there is no motive of the petitioners in the present occurrence and both the petitioners are full brother and it appears from the FIR that the allegation against the petitioners is that they have fired upon the informant. Injury report of the informant reveals that an empty wound on upper lateral and aspect of right thigh and exit wound as medial aspect of above knee joint of right thigh due to firearm injury and lacerated wound size 0.5cm x 0.5 cm on left thumb of left hand. Learned counsel for the petitioners further submits that from bare perusal of the injury report of the informant it appears that the injury is simple in nature caused by firearm and the same is not on the vital part of the body and there is no intention of the petitioners to kill the informant and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 11.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries two more cases and petitioner No.2 carries one more case other than the present one.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned A.C.J.M.-III, Naugachia in connection with Kharik P.S.Case No.120 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

